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TO : U.S. PATENT & TRADEMARK OFFICE - CENTRAL FAX

FROM : Christine E. Dietzel, Ph.D.

RE : U.S.S.N. 09/686,647
Our File 600-1-087CIPDIVCON

DATE : May 4, 2004

FAX NO : (703) 872-9306

PAGES TO FOLLOW: 1

MESSAGE:

RE: TERMINAL DISCLAIMER FOR USSN 08/686,647 of prior patent 6,429,290

PLEASE ENSURE THAT THE ATTACHED TERMINAL DISCLAIMER TO US PATENT 6,429,290, WHICH IS MISSING FROM THE USSN 08/686,647 FILE WRAPPER IS PROPER PLACED WITH THE FILE AND THAT EXAMINER MARIA MARVICH (571-272-0774) IS ADVISED THAT IT HAS BEEN DONE.

Sincerely,
Christine Dietzel, Ph.D.
Reg No 37,309

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**Docket Number (Optional)
600-1-087CIPDIVCON

In re Application of: Friedman, et al

Application No.: 09/686,647

Filed: October 10, 2000

For: MODULATORS OF BODY WEIGHT, CORRESPONDING NUCLEIC ACIDS AND PROTEINS,
AND DIAGNOSTIC AND THERAPEUTIC USES THEREOF

The owner*, The Rockefeller University, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of Prior Patent No. 6,428,290. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

Signature

Date

Christine E. Dietzel - 37,309

Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/98 may be used for making this certification. See MPEP § 324.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: July 22, 2003

Signature: _____ (Christine E. Dietzel)